

17003. Misbranding of jellies. U. S. v. 20 Cases of Jelly in Jars, et al. Default decree of condemnation, forfeiture, and sale. (F. & D. No. 22773. I. S. Nos. 17743-x, 17744-x, 17745-x, 17746-x. S. No. 786.)

On May 12, 1928, the United States attorney for the District of New Mexico, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 35 cases of jellies in jars and 5 pails of jellies, remaining in the original packages at Albuquerque, N. Mex., alleging that the articles had been shipped by the California Importing Co., from Los Angeles, Calif., March 30, 1928, and transported from the State of California into the State of New Mexico, and charging misbranding in violation of the food and drugs act as amended. The products contained in jars were labeled, in part: "Allegretti Special Riesling (or "Sherry," "Muscatel," or "Port") Jelly Alcohol not over 14% Allegretti Grape Products Co. Los Angeles, Calif."

It was alleged in the libel that the jellies in jars were misbranded in that the statements, "Riesling (or "Sherry," "Muscatel," or "Port," as the case might be) Jelly," borne on the labels, were false and misleading and deceived and misled the purchaser when applied to Riesling and pectin, sherry and pectin, muscatel and pectin, and port and pectin jellies. Misbranding of the product contained in said pails was alleged for the reason that it was in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package. It was further alleged in the libel that the statement, "Alcohol not over 14%," borne on the labels of the products contained in the said jars, was false and misleading, since the amount of alcohol actually present therein ranged from 2½ to 3½ per cent by weight.

On or about August 17, 1928, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the products be sold by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

17004. Adulteration of shell eggs. U. S. v. 6 Cases of Decomposed Eggs. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 23861. I. S. No. 08332. S. No. 1945.)

On April 22, 1929, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 6 cases of shell eggs at Chicago, Ill., alleging that the article had been shipped by the Holtzapfle Hatchery, Elida, Ohio, April 12, 1929, and transported from the State of Ohio into the State of Illinois, and charging adulteration in violation of the food and drugs act.

It was alleged in the libel that the article was adulterated in that it consisted wholly or in part of a filthy, decomposed, and putrid animal substance.

On June 12, 1929, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

17005. Misbranding of wheat bran. U. S. v. 500 Sacks of Wheat Bran. Decree of condemnation. Product released under bond. (F. & D. No. 24481. I. S. No. 026929. S. No. 2746.)

On January 22, 1930, the United States attorney for the Eastern District of Louisiana, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 500 sacks of wheat bran, remaining in the original unbroken packages at New Orleans, La., alleging that the article had been shipped by the G. B. R. Smith Milling Co., Sherman, Tex., on or about December 2, 1929, and transported from the State of Texas into the State of Louisiana, and charging misbranding in violation of the food and drugs act as amended. The article was labeled in part: (Tag) "100 Lbs. Wheat Bran and Screenings * * * G. B. R. Smith Milling Company, Sherman, Texas."

It was alleged in the libel that the article was misbranded in that the statement "100 Lbs.," borne on the label, was false and misleading and deceived and misled the purchaser. Misbranding was alleged for the further reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, since the statement made was incorrect.

On February 26, 1930, J. T. Gibbons (Inc.), New Orleans, La., having appeared as claimant for the property, judgment of condemnation was entered,